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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Balaji Raghunathan

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/747,426	RAGHUNATHAN ET AL.	
	Examiner	Art Unit	
	George C. Neurauter, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12-17, 19-24, 26-28 and 36-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-17, 19-24, 26-28 and 36-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-3, 5-10, 12-17, 19-24, 26-28 and 36-43 are currently presented and have been examined.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-10, 12-17, 19-24, 26-28 and 36-43 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant argues that Jordan does not expressly teach wherein said units are defined by an XML envelope tag and traverses the Examiner's use of another reference "Simple Object Access Protocol (SOAP) 1.1" since the Applicant argues that the claims are not "properly rejected under 35 U.S.C. 102".

MPEP 2131.01 states:

"Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to:

(A) Prove the primary reference contains an "enabled disclosure;"

(B) Explain the meaning of a term used in the primary reference; or

(C) Show that a characteristic not disclosed in the reference is inherent."

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MPEP 2131.01 further states:

"To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991)"

As the Examiner has previously shown, Jordan discloses the use of the Simple Object Access Protocol. Jordan does not expressly teach the use of an XML envelope tag, however, this tag is inherent within the scope of the Simple Object Access Protocol as shown by the "Simple Object Access Protocol (SOAP) 1.1" specification which teaches the protocol and is considered the standard as recognized by those of ordinary skill to be the main reference for teaching the characteristics of the protocol. As also shown, the tag is central to the operation of the protocol, therefore making this tag necessarily present within the protocol. Therefore, the Examiner submits that the XML envelope tag is inherent within the teachings of Jordan as properly evidenced in accordance with MPEP 2131.01 by the

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"Simple Object Access Protocol (SOAP) 1.1" specification reference.

The Examiner also notes that the express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. See MPEP 2112. Therefore, the inherent teachings of Jordan regarding the XML envelope are also applicable under 35 USC 103.

Claim Objections

Claims 6, 13, 20, and 27 are objected to because of the following informalities:

Claims 6, 13, 20, and 27 are dependent from currently cancelled claims. It will be assumed by the Examiner that these claims depend from claims 1, 8, 15, and 22 respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United

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States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 8, 13, 15, 20, 22, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 128 612 to Brereton et al.

Regarding claim 1, Brereton discloses a method in a data processing system having a program for a server to handle one or more client requests, the method comprising the steps of:

obtaining one or more of said client requests (referred to within the reference as "query") for hierarchically organized data at a server; dividing ("parsing") said client requests into one or more smaller units ("clause objects" or "query clause objects" and "joiners" or "joiner clauses"), said smaller units being a unit serviceable by a worked thread ("translator"); placing said smaller units in a queue ("FIFO postfix queue"); and servicing said units in order. (column 3, lines 15-28; column 5, lines 46-56; column 6, lines 20-67, specifically lines 20-40)

Claims 8, 15, and 22 are also rejected since these claims recite substantially the same limitations as recited in claim 1.

Regarding claim 6, Brereton discloses the method of claim 1, as assumed by the Examiner, wherein said queue is handled using a FIFO scheduling algorithm ("FIFO postfix queue"; see

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also column 5, lines 46-56 and column 6, lines 20-67,
specifically lines 20-40)

Claims 13, 20, and 27 are also rejected since these claims
recite substantially the same limitations as recited in claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which
forms the basis for all obviousness rejections set forth in this
Office action:

(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at
the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be
negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere*
Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for
establishing a background for determining obviousness under 35
U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and
the claims at issue.
3. Resolving the level of ordinary skill in the pertinent
art.
4. Considering objective evidence present in the
application indicating obviousness or nonobviousness.

This application currently names joint inventors. In
considering patentability of the claims under 35 U.S.C. 103(a),
the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 2-3, 5, 7, 9-10, 12, 14, 16-17, 19, 21, 23-24, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brereton in view of US Patent Application Publication 2002/0069157 to Jordan.

Regarding claims 2, 9, 16, and 23, Brereton does not expressly disclose wherein said client requests are in XML format, however, Jordan does disclose these limitations (paragraph 0217 and 0219).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since these references are directed to and disclose obtaining requests for hierarchically organized data and dividing the requests into smaller units, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based

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on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Regarding claims 3, 10, 17, and 24, Brereton does not expressly disclose wherein said hierarchically organized data is stored using a Document Object Model, however, Jordan does disclose these limitations (paragraph 0217).

Claims 3, 10, 17, and 24 are rejected since the motivations regarding the obviousness of claims 2, 9, 16, and 23 also apply to claims 3, 10, 17, and 24.

Regarding claims 5, 12, 19, and 26, Brereton does not expressly disclose wherein the server is a registry server, however, Jordan does disclose this limitation (paragraph 0057).

Claims 5, 12, 19, and 26 are rejected since the motivations regarding the obviousness of claims 2, 9, 16, and 23 also apply to claims 5, 12, 19, and 26.

Regarding claims 7, 14, 21, 28, and 35, Brereton does not expressly disclose wherein said units are defined by an XML <envelope> and an XML </envelope> tag, however, Brereton does disclose wherein the units are defined by particular tags (column 5, lines 46-56; column 6, lines 20-67, specifically lines 20-40, note "/e_sub=car")

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Jordan discloses wherein said units are defined by an XML <envelope> and an XML </envelope> tag ("SOAP"; paragraph 0219).

Claims 7, 14, 21, 28, and 35 are rejected since the motivations regarding the obviousness of claims 2, 9, 16, and 23 also apply to claims 7, 14, 21, 28, and 35.

2. Claims 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brereton in view of US Patent 6 427 161 to LiVecchi.

Regarding claims 36-39, Brereton does not expressly disclose wherein a plurality of client requests are received and units from the plurality of client requests are placed in the same queue, however, Brereton does disclose creating units from a client request as shown above.

LiVecchi discloses wherein a plurality of client requests are received and the plurality of client requests are placed in the same queue (column 15, lines 41-53; column 16, lines 3-16, specifically lines 14-16)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since LiVecchi discloses that placing a plurality of client requests within the same queue allows a plurality of processes which process requests to access the queue and process the request (column 17, lines 40-67). In view

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of these specific advantages and that the references are directed to receiving and processing client requests within queues, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Regarding claim 40-43, Brereton does not expressly disclose wherein the plurality of client requests are received through a plurality of sockets, and wherein the worker thread services units received through at least two of the plurality of sockets, however, Brereton does disclose creating units from a client request as shown above.

LiVecchi discloses wherein the plurality of client requests are received through a plurality of sockets, and wherein the worker thread services the requests received through at least two of the plurality of sockets. (column 15, lines 41-53; column 16, lines 3-16, specifically lines 14-16)

Claims 40-43 are rejected since the motivations regarding the obviousness of claims 36-39 also apply to these claims.

Conclusion

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the

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Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and nonpreferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PTO-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance

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with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gcn



JEFFREY PWU
PRIMARY EXAMINEE